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APR 21 1964

Mr. Alfred O. Cyr, Sr.
1102 East 51st Street
Savannah, Georgia 31404

Dear Mr. Cyr:

This refers to your letter of March 18, 1964, requesting review of our settlement dated December 11, 1963, which disallowed your claim for retroactive adjustment of your salary rate as an employee of the Department of the Army, U. S. Army Engineer District, Savannah, Georgia.

The record discloses that you applied for and were given an unlimited promotion, effective January 14, 1962, to grade GS-13, step 1 (\$10,635 per annum) from grade GS-12, step 4 (\$9,735 per annum). Due to your physical condition, you requested and were given a demotion on February 11, 1962, to your former position in grade 12. Upon your demotion your personnel office apparently misinterpreted an agency regulation and placed you in step 4 of grade 12, rather than in step 5. Under the applicable regulations, you properly could have been placed in step 5. The claim which you submitted to our Office for retroactive adjustment of your salary rate was originally based on this administrative misinterpretation of the regulation. In the Claims Division settlement to you of December 11, 1963, it was pointed out that while your agency could have placed you in step 5 of grade GS-12, no proper basis existed for disturbing said action since the original administrative action was properly taken at the time, in accordance with the discretionary authority and the then existing regulations.

You do not question the basis for disallowing your claim. However, you now urge that your promotion to grade GS-13 on January 14, 1962, was processed through error contrary to your known wishes in the matter and you request cancellation of the promotion as of its effective date so that your status in grade GS-12, as of January 13, 1962, can be restored.

The question of whether your promotion to GS-13 should now be canceled is not a matter within the jurisdiction of our Office, such jurisdiction being primarily with the administrative agency involved or the Civil Service Commission. See Federal Personnel Manual, ch. 335, subparagraph 1-13.

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Since we have no official information as to the reason your promotion was never administratively canceled, we may not question your agency's actions in this matter. However, if it is administratively determined that the information which you have submitted to us is factually correct we would not object to an administrative cancellation retroactively as of the date of the promotion, provided there is a corresponding proper adjustment of your salary payments.

Very truly yours,

FRANK H. WEITZEL

Assistant Comptroller General
of the United States